

**A RESOLUTION BY HOWARD SHOOK**

**AS SUBSTITUTED BY CITY UTILITIES COMMITTEE**

**A RESOLUTION TO AUTHORIZE PAYMENT OF STIPULATED PENALTIES IMPOSED BY THE ENVIRONMENTAL PROTECTION AGENCY (EPA) AND THE ENVIRONMENTAL PROTECTION DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF GEORGIA (EPD) IN THE AMOUNT OF \$8,500.00 AS STIPULATED PENALTIES FOR THE VIOLATION OF CSO FECAL COLIFORM OPERATIONAL STANDARDS AT THE NORTH AVENUE CSO FACILITY ON JUNE 9, 2005 PURSUANT TO THE CSO CONSENT DECREE, CIVIL ACTION FILE NO. 1:95-CV-2550-TWT; TO IDENTIFY THE SOURCE OF FUNDING; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City has experienced a violation of Fecal Coliform Operational Standards as set out in Exhibit "A" hereto; and

**WHEREAS**, this violation is subject to stipulated penalties imposed at the discretion of the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT Paragraphs XI.D.2; and

**WHEREAS**, the Department of Watershed Management of the City does not dispute the fact this violation of CSO Fecal Coliform Operational Standards did occur; and

**WHEREAS**, the payment to EPA and EPD of this assessment by the City does not constitute a finding or adjudication, is not to be evidence of a violation of state or federal laws by the City, nor does the City by its consent agree to any violations of state or federal laws or admit any liability to any third party or parties; and

**WHEREAS**, funds for this purpose are available in Fund, Account and Center Number 2J01 529017 Q30001.

**NOW, THEREFORE, BE AND IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA**, as follows:

**SECTION ONE:** That the Chief Financial Officer of the City is authorized to issue checks in the amounts of Four Thousand Two Hundred Fifty Dollars and 00/100 (\$4,250.00) payable to the State of Georgia and Four Thousand Two Hundred Fifty Dollars and 00/100 (\$4,250.00) payable to the Treasurer, United States of America as stipulated penalties imposed pursuant to the CSO Consent Decree at the discretion of the Environmental Protection Agency and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia.

**SECTION TWO:** That the said payments be charge to Fund, Account and Center Number 2J01 529017 Q30001.

# EXHIBIT A

The City is subject to stipulated penalties for violations of the CSO Consent Decree, Section XI.D.2 as follows:

Section XI.D.2. Fecal Coliforms above 32,000 colonies per 100 ml, December - June

<b>Date</b>	<b>Facility</b>	<b>Colonies/100 ml</b>	<b>Penalty</b>	<b>Comment</b>
6/9/05	North Avenue CSO	37,000	\$8,500	